

Image

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Ruben et al.

Docket No.: PZ003P3

Application No.: 09/853,161

Confirmation No.: 5950

Filed: May 11, 2001

Art Unit: 1647

For: Antibodies to Protein HPMBQ91 (As
Amended)

Examiner: R. Kapust

SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of a claim of the subject application, Attorney for Applicants hereby directs the Examiner's attention to references R-AA listed on the attached Form PTO/SB/08. Copies of the references are enclosed.

The listed references are presented so that the Patent and Trademark Office can determine any materiality thereof to the claimed invention. See 37 C.F.R. § 1.104(a) concerning the Examiner's duty to consider and use any such information. Applicants respectfully request that the Examiner make the listed references of record in the file history of the application, and consider the information contained therein during the prosecution of this application.

Identification of the listed references is not to be construed as an admission of any individual associated with the filing or prosecution of the subject application that such references are available as "prior art" against the subject application. Furthermore, Applicants do not waive any rights to take appropriate action to establish patentability over any of the listed documents should they be applied as references against the claims of the subject application.

Pursuant to 37 C.F.R. § 1.97(c), since this Second Supplemental Information Disclosure Statement is being filed after the mailing date of a first Office Action on the merits, but before

the mailing date of a Final Office Action, or a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution, the Patent and Trademark Office will consider this Second Supplemental Information Disclosure Statement if it is accompanied by a statement as specified in 37 C.F.R. § 1.97(e) or the fee as specified in 37 C.F.R. § 1.17(p).

Accordingly, the undersigned certifies pursuant to 37 C.F.R. § 1.97(e)(1) that each item of information contained in this Second Supplemental Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Second Supplemental Information Disclosure Statement. In particular, the listed references were cited in a European Search Report mailed October 23, 2003, in connection with a corresponding international application.

Applicant believes that no fee is due in connection with this submission. However, should the Patent & Trademark Office determine otherwise, please charge such fee to our Deposit Account No. 08-3425.

Dated: December 1, 2003

Respectfully submitted,

By


Janet M. Martineau

Registration No.: 46,903

HUMAN GENOME SCIENCES, INC.

9410 Key West Avenue

Rockville, Maryland 20850

(301) 315-2723

KKH/JMM/FR/ba



Use in lieu of PTO/SB/17 (08-03)
(Form updated to reflect FY 2004 fees effective 10/1/03)

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003, Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 0.00

Complete if Known

Application Number	09/853,161-Conf. #5950
Filing Date	May 11, 2001
First Named Inventor	Steven M. Ruben
Examiner Name	R. Kapust
Art Unit	1647
Attorney Docket No.	PZ003P3

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit
Account
Number

08-3425

Deposit
Account
Name

Human Genome Sciences, Inc.

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$) 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Total Claims	Extra Claims	Fee from below	Fee Paid
	75	-97** =		0.00
Independent Claims	6	-10** =		0.00
Multiple Dependent				

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 0.00

SUBMITTED BY

Name (Print/Type) Janet M. Martineau

Registration No.
(Attorney/Agent)

46,903

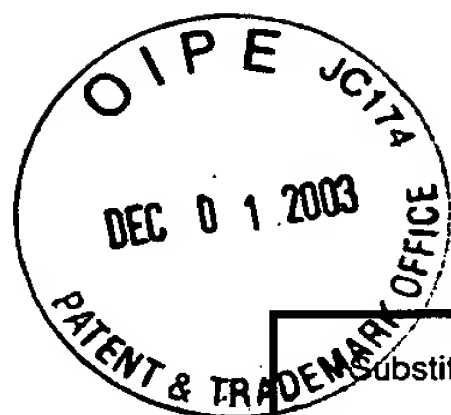
(Complete (if applicable))

Telephone (301) 315-2723

Signature

Date

December 1, 2003



PTO/SB/08a/b (06-03)

Approved for use through 07/31/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	09/853,161-Conf. #5950
				Filing Date	May 11, 2001
				First Named Inventor	Steven M. Ruben
				Art Unit	1647
				Examiner Name	R. Kapust
Sheet	1	of	2	Attorney Docket Number	PZ003P3

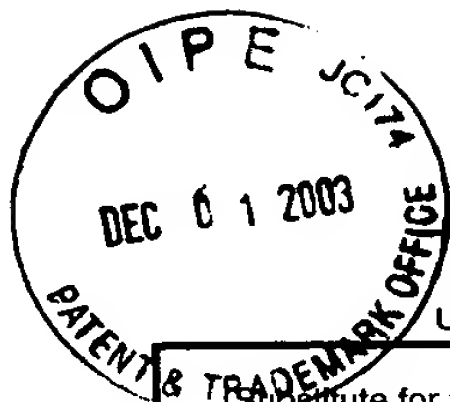
U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	R	EP-0 892 053-A2	01-20-1999	SmithKline Beecham PLC and Human Genome Sciences, Inc.		
	S	WO-98/55612-A1	12-10-1998	Zymogenetics, Inc.		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	T	BONNER et al., "A cDNA encoding the precursor of the rat neuropeptide, neurokinin B," <i>Molec. Brain Res.</i> , 2(3):243-249 (1987).	
	U	KAKO et al., "Cloning and Sequence Analysis of Mouse cDNAs Encoding Preprotachykinin A and B," <i>Biomed. Res.</i> , 14(4):253-259 (1993).	
	V	EBI Accession No. AA004764, HILLIER et al., "zh89a10.r1 Soares fetal liver spleen 1NFLS S1 Homo sapiens cDNA clone 428442 5' similar to SW:TKNK_BOVIN P08858 NEUROKININ B PRECURSOR, mRNA sequence" (Jul. 25, 1996).	
	W	EBI Accession No. T54351, HILLIER et al., "ya93h08.s1 Stratagene placenta (#937225) Homo sapiens cDNA clone IMAGE:69279 3' similar to SP:TKNK_BOVIN P08858 NEUROKININ B PRECURSOR, mRNA sequence" (Feb. 28, 1995).	
	X	EBI Accession No. R63635, HILLIER et al., "yi09f09.r1 Soares placenta Nb2HP Homo sapiens cDNA clone IMAGE:138761 5' similar to SP:TKNK_BOVINE P08858 NEUROKININ B PRECURSOR, mRNA sequence" (May 31, 1995).	
	Y	EBI Accession No. T58582, HILLIER et al., "ya93h08.r1 Stratagene placenta (#937225) Homo sapiens cDNA clone IMAGE:69279 5' similar to SP:TKNK_BOVIN P08858 NEUROKININ B PRECURSOR, mRNA sequence" (Mar. 4, 1995).	

Examiner Signature		Date Considered	
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Approved for use through 07/31/2003. OMB 0651-0031
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				First Named Inventor	Steven M. Ruben
				Art Unit	1647
				Examiner Name	R. Kapust
Sheet	2	of	2	Attorney Docket Number	PZ003P3

Z	EBI Accession No. R62763, HILLIER et al., "yi10c09.r1 Soares placenta Nb2HP Homo sapiens cDNA clone IMAGE:138832 5' similar to SP:TKNK_BOVIN P08858 NEUROKININ B PRECURSOR, mRNA sequence" (May 30, 1995).
AA	LANG et al., "Neurochemical characterization of preprotachykinin B(50-79) immunoreactivity in the rat," <i>Regulatory Peptides</i> , 57:183-192 (1995).

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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